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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,408	11/21/2001	Izumi Miyake	0905-0268P-SP	9759

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
LAM, HUNG H	

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/989,408	MIYAKE ET AL.	
	Examiner	Art Unit	
	Hung H. Lam	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Nov. 21, 01*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3 and 8* is/are rejected.

7)☒ Claim(s) *2 and 4-7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuda (US-2004/0165108) in view of Miller et al. (US-6,233,015).

Regarding claim 1, Okuda discloses a digital camera comprising:

a lever (Fig. 3, dial 7) capable of being rotated through a prescribed angle;

a mode setting unit for setting an imaging mode or a playback mode in accordance with rotation of said lever (dial 7, section 0032).

an imaging unit (Fig. 5, CCD 103, DSP 106, CPU 121) for sensing the image of a subject in response to setting of the imaging mode by said mode setting unit and outputting image data representing the image of the subject (section 0049).

a first display controller (Fig.5, LCD 122, CPU 121) for controlling a display unit so as to display the image of the subject represented by the image data output from said image sensing unit (section 0043, section 0049).

a playback unit for reading image data (replay mode, section 0052 – section 0053), from a recording medium (Fig. 5, PC card 110; section 0041) and subjecting the image data to playback processing (section 0044; sections 0052-0053); and

a second display controller (Fig. 5, LCD 122, CPU 121) for controlling the display unit so as to display an image represented by image data that has been reproduced by said playback unit (section 0053).

As to claim 1, the claim differs from Okuda in that the claim further requires a playback-frame decision unit for deciding a playback frame in accordance with rotation of the lever if the playback mode has been set by said mode setting unit; and a playback unit for reading image data of the playback frame, which has been decided by said playback-frame decision unit, from a recording medium and subjecting the image data to playback processing. However, the limitations are well known in the art as taught by Miller.

In the same field of endeavor, Miller teaches a digital camera having plurality of low resolution images displayed in the form of a film strip (Fig. 3, film strip 40; col. 5, lines 39-47). Miller also teaches a playback-frame decision unit (Fig. 1, processor block 6) for deciding a playback frame (48) according to the selection of the button 24 or 26 (col. 3, lines 5-10; col. 5, lines 55-58; col.7, lines 13-32). Miller further teaches that it is desirable to reduce or eliminate a repetitive sequence of multiple button pushing to accomplish reviews and full-screen playback (col. 2, lines 54-59; col. 3, lines 24-27). In light of the teaching from Miller, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera taught in Okuda by having the playback-frame decision unit for deciding a playback-frame according to the rotation of the lever in order to accomplish selecting a play-backed image while reducing or eliminating a repetitive sequence of multiple button pushing (Miller; col. 2, lines 54-59; col. 3, lines 24-27).

Regarding claim 3, Okuda, as modified by Miller, teaches a camera wherein playback-frame decision unit decides on a thumbnail image (Miller, Fig. 1, processor block 6; col. 4, lines 54-58; col.6, lines 66-67; col. 7, lines 1-25), which has been designated by said designating unit, as the image of a playback frame (Miller; Fig. 3, Indicator 48; col. 5, lines 55-58; col. 7, lines 20-25).

Regarding claim 8, Okuda discloses a method of controlling operation of a digital still camera comprising:

setting an imaging mode or a playback mode in accordance with rotation of a

lever capable of being rotated through a prescribed angle (Fig. 3, dial 7; section 0032).

sensing the image of a subject in response to setting of the imaging mode and obtaining image data representing the image of the subject (Fig. 5, CCD 103, DSP 106, CPU 121; sections 0037-0038; section 0049; section 0052).

displaying the image of the subject represented by the image data obtained (section 0043).

As to claim 8, the claim differs from Okuda in that the claim further requires a deciding a playback frame in accordance with rotation of the lever if the playback mode has been set; reading image data of the decided playback frame from a recording medium; and displaying an image represented by image data that has been read. However, the limitations are well known in the art as taught by Miller.

In the same field of endeavor, Miller teaches a digital camera having plurality of low resolution images displayed in the form of a film strip (Fig. 3, film strip 40; col. 5, lines 39-47). Miller also teaches a playback-frame decision unit (Fig. 1, processor block 6) for deciding a playback frame (48) according to the selection of the button 24 or 26 (col. 3, lines 5-10; col. 5, lines 55-58; col.7, lines 13-32). Miller further teaches that it is desirable to reduce or eliminate a repetitive sequence of multiple button pushing to accomplish reviews and full-screen playback from a recording medium (col. 2, lines 54-59; col. 3, lines 24-27; col. 4, lines 35-40; col. 5, lines 10-30). In light of the teaching from Miller, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera taught in Okuda by having the playback-frame decision unit for deciding a playback-frame according to the rotation of the lever

in order to accomplish selecting a play-backed image while reducing or eliminating a repetitive sequence of multiple button pushing (Miller; col. 2, lines 54-59; col. 3, lines 24-27).

Allowable Subject Matter

5. Claims 2,4,5,6,7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Regarding claim 2 the following is an examiner's statement of reasons for allowance: The Prior Art fails to teach or suggest **a fourth display controller for controlling the display unit so as to display an image of a blank frame when image data can be recorded on the recording medium; and a designating unit for designating the thumbnail image or the image of the blank frame in accordance with rotation of the lever; wherein said mode setting unit is set to the imaging mode in response to designation of the image of the blank frame by said designating unit.**

7. Claims 4-7 are objected as being dependent upon the objected claim 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. This prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Nishi (US-6,249,313) discloses an electronic still-video camera and playback apparatus having the ability to display the number of recordable frames left in the internal memory or the external memory.

b) Anderson (US-6,538,698) discloses a method and system for sorting images in an image capture unit to ease browsing access.

c) Kodama (US-5,905,528) discloses an apparatus having a moving picture recording mode and a still picture recording mode and which is capable of simultaneously displaying a remaining memory capacity with respect to each of recording modes.

d) Hatakenaka et al. (US-6,563,542) disclose an electronic camera having a print switch 17 of Fig. 3, which is arranged to display a setting print menu according to activation of the print switch.

e) Maruoka (US-2003/0,137,680) discloses an image processing apparatus for selecting number of prints in regarding to a photograph file.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 703-305-8143. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary's, NGOC YEN VU can be reached on 703-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL

11/22/2004

ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600